

United States District Court

for the
Western District of New York

United States of America

v.
JAMES A. PANE
Defendant

Case No. 21-MJ-566

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief that on or about and between January 20, 2021 and March 12, 2021, in the County of Monroe, in the Western District of New York, the defendant, JAMES A. PANE, violated

Code Section

Title 18, United States Code, Sections 844(e)

Offense Description

(threat by mail of attempt to kill, injure, or intimidate or unlawfully damage or destroy property by means of explosive)

Title 18, United States Code, Sections 876(c)

(mailing threatening communications)

This Criminal Complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on:

Date: April 8, 2021

City and State: Rochester, New York



Complainant's signature

Stacey Hull, Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives

Printed name and title



Judge's signature

MARK W. PEDERSEN

UNITED STATES MAGISTRATE JUDGE

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

AFFIDAVIT

21-MJ-566

JAMES PANE,

Defendant.

State of New York)
County of Monroe) ss
City of Rochester)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STACEY HULL, being duly sworn, deposes and says:

1. I am a Special Agent (“SA”) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, & Explosives (“ATF”), and I am assigned to the Rochester, New York Field Office. Accordingly, I am the kind of Special Agent delineated in Title 18, United States Code, Section 3051.

2. I am a graduate of the Criminal Investigator School and the ATF National Academy, both located at the Federal Law Enforcement Training Center in Glynco, Georgia. I have been employed as an ATF Special Agent for approximately five years. As part of my professional experience, I have participated in state and federal investigations involving the illegal possession of firearms, explosives, and narcotics. Previously, I was employed by the

Town of Gates Police Department in Rochester, New York for approximately six years. I earned a Master of Arts Degree in Forensic Psychology from the Chicago School of Professional Psychology in 2014. I also received a Bachelor's Degree in both Psychology and Criminal Justice from Roberts Wesleyan College in 2009. I have participated in the service of state search and seizure warrants and have seized or assisted in seizing contraband including firearms, explosives, ammunition, documentary evidence, and contraband.

3. Based on the facts set forth in this affidavit, there is probable cause to believe that JAMES A. PANE has committed violations of federal law, namely Title 18, United States Code, Sections 844(e) (threat by mail of attempt to kill, injure, or intimidate or unlawfully damage or destroy property by means of explosive), and 876(c) (mailing threatening communications) (hereinafter the "Subject Offenses"). The assertions made herein are based solely upon my personal knowledge or upon information I have received from this investigation. Further, I have had discussions with officers involved in this investigation who have confirmed the accuracy of the information contained within this affidavit. Since this affidavit is being submitted for a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only those facts that relate to the issue of whether probable cause exists to believe that the defendant committed the above-mentioned offenses. In support thereof, I respectfully state the following:

4. Between January 20, 2021 and February 2, 2021, numerous explosions were heard and seen in the area of Falleson Road in the City of Rochester.

5. On January 20, 2021, at approximately 1:45 a.m., one of the neighbors, with the initials R.G., located at a residence on Leander Road near 288 Falleson Road, saw a

flash of light and heard two loud booms that shook the entire house. R.G. went outside the next morning and walked around the residence looking for damage, but nothing was out of the ordinary.

6. On January 23, 2021, at approximately 11:45 p.m., R.G. was asleep when another loud boom shook the house and R.G.'s wife saw a flash of light when the boom went off. The next morning, R.G. walked around the residence and noticed a hole the size of a softball and burn mark into the house siding. R.G. then called 911 to report the damage. Furthermore, another neighbor in the area called 911 around 11:44 p.m. reporting the same boom noise, shaking of the house, and flash of light. The Rochester Fire Department and Rochester Police Department responded to the area to investigate what may have caused the explosion. Officers noted that they believed the explosion took place in front of 288 Falleson Road. 288 Falleson Road is located across the street from R.G.'s residence on Leander Road. During the daylight, when taking the report from R.G., one of the officers noticed a large hole/crater in the snow in front of 288 Falleson Road. Pictures were taken of the damage and crater in the snow. During this, a resident at 288 Falleson Road, came outside and told the officer this was not the first time this has happened. C.K. stated that there have been multiple occasions of loud explosions and at one point he/she observed a dark, possibly black vehicle leaving the area.

7. On February 2, 2021, numerous neighbors called 911 around 2:37 a.m., after another boom noise shook the neighboring houses.

8. On February 5, 2021, Arson Investigators spoke to the residents of 95 Leander Road and were able to obtain doorbell surveillance video from February 2, 2021, one facing

the east side of the home and the other facing the front yard. As observed on the surveillance video, at approximately 2:33 a.m., a dark-reddish-colored pick-up truck was headed northbound on Falleson Road as seen on the east side camera. At approximately 2:34 a.m., the camera located in the front yard shows the explosion at 288 Falleson Road, as seen below.



While speaking to neighbors, investigators learned that other doorbell camera videos were circulating throughout the community/neighborhood online group, which neighbors were able to show to investigators. One video from 147 Harding Road (at the corner of Harding Road/Falleson Road, 3 blocks south of 288 Falleson Road), shows at approximately 2:33 a.m.¹

¹ 2:33 a.m. is the calculated actual time; the camera time is approximately 4 minutes and 35 seconds behind actual time.

a maroon Chevy pick-up, with silver under the driver's door, turn northbound onto Falleson Road from the 200 block of Harding Road. The truck proceeds northbound on Falleson Road towards 288 Falleson Road. Approximately one minute later, a bright light is seen on the top of the camera frame which is near 288 Falleson Road.

9. On February 10, 2021, the Arson Task Force, the Rochester Police Bomb Squad, and your Affiant went back to R.G.'s residence on Leander Road after learning the extent of these explosions and how significant they were, causing damage to houses. Some post-blast debris to include cardboard, red plastic pieces were located at 288 Falleson along with some swabs taken from the markings on the siding from R.G.'s residence on Leander Road. These items were submitted to the ATF Lab for analysis.

10. On February 10, 2021, arson investigators interviewed the residents of 288 Falleson Road to include C.K., S.K., and M.P. at their residence. As detailed below, I believe M.P. is the main target of these explosions.

11. C.K. and S.K. rent and live at 288 Falleson Road, and M.P. is renting a room at the location. He has rented a room there for a few months after he and his ex-girlfriend, T.L., ended their relationship. According to M.P., he is trying to get back some of his furniture that T.L. still has, and T.L. is trying to serve M.P. with an Order of Protection. M.P. also mentioned he had a falling out with his life-long friend JAMES PANE, who T.L. may have had a relationship with as well. M.P. mentioned that PANE drives a maroon Chevy pick-up truck.

12. On February 11, 2021, investigators looked up all the registered vehicles belonging to PANE in the New York State DMV system. One of the vehicles was a 2019 Chevy pick-up (red) with New York registration HKN4693 (hereinafter Vehicle 1). Investigators were able to observe Vehicle 1 in the driveway at the Subject Premises. Vehicle 1 was observed to

have a silver/chrome area under the driver's side door. Vehicle 1 was also observed at Mr. Dominic's restaurant where PANE works. Vehicle 1 appears to be the same or similar appearance as the vehicle seen in the area of the February 2 explosion as detailed in paragraph 13, above.

13. On February 12, 2021, investigators were able to get video surveillance from 247 Harding Road, which showed Vehicle 1 leave the driveway of the Subject Premises on the morning of February 2, 2021, at approximately 2:32 a.m. The explosion occurs at approximately 2:34 a.m. Vehicle 1 was then observed traveling northbound on Falleson Road. The truck returned to 241 Harding Road (hereinafter the Subject Premises) at approximately 10:26 a.m. on February 2, 2021, and PANE is the only person in the truck upon its arrival.

Recovered Evidence

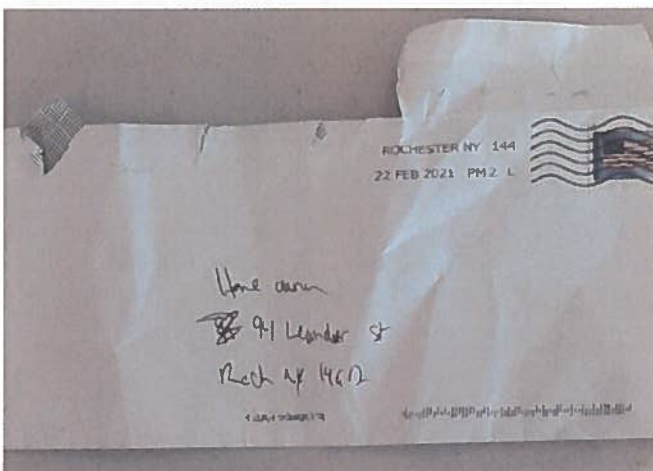
14. Between February 24, 2021 and March 9, 2021, investigators were notified that numerous neighbors in the Falleson Road/Leander Road neighborhood received letters addressed to the "homeowner." The letters were delivered via the United States Postal Service with the date of processing and a postage stamp on the letters. Investigators responded to the neighborhood and collected seven letters on February 24, 2021 – the letters were collected from 288 Falleson Road, 307 Falleson Road, 311 Falleson Road, 69 Leander Road, 87 Leander Road, 88 Leander Road, and 94 Leander Road. The letters appeared similar in nature. The envelopes were plain white envelopes with no return address. The delivery addresses were handwritten to "homeowner," and the addresses were incorrectly labeled as either "Falleson Street" or "Leander Street."² The envelopes each have a single Forever USA America stamp on them.

² The correct designation is "Road" for both roadways.

All envelopes were postmarked "Rochester, NY 144 22 Feb 2021 PM2 L," which denotes the letter was processed through the main postal plant on Jefferson Road in Henrietta, New York on February 22, 2021. Inside each envelope was a single piece of regular sized white paper with large printed words stating: "I don't mean to bother you people in this neighborhood. But the little fucking crack head at 288 Falleson owes me a lot of money for drugs. He is a liar and a thief. He burned down his fathers cottage in the 1000 island for the insurance money, which he was suppose to pay me off with. He didn't. I will keep throwing bombs off in his yard until he pays.call the cops they won't catch me." (See below.)

I don't mean to bother you people in this neighborhood. But the little fucking crack head at 288 falleson owes me a lot of money for drugs. He is a liar and a thief.

He burned down his fathers cottage in the 1000 island for the insurance money, which he was suppose to pay me off with. He didn't. I will keep throwing bombs off in his yard until he pays. call the cops they won't catch me.



The letters sent to the Leander Road addresses were sent to the ATF Lab for processing while the Falleson Road letters were processed by the Rochester Police Department (RPD). RPD was unable to locate anything of evidentiary value on the Falleson Road letters. On February 28,

2021, investigators recovered a letter from 95 Leander Road and on March 8 and 9, 2021, letters were recovered from 312 Falleson Road and 252 Falleson Road. These letters were sent to the ATF Lab for processing.

20. On March 16, 2021, Your Affiant spoke to an ATF Forensic Document Examiner regarding the letters that were sent to the ATF Lab for analysis. Based on the type of analysis the Forensic Document Examiner can perform on the letters (i.e. Paper thickness, identify the type of envelope, printer marks on paper etc.), it would be imperative to try and collect the paper, envelopes, stamps, and printer which may have been utilized in the making the threatening letters above because comparison could be made with any such materials collected and the letters that were mailed.

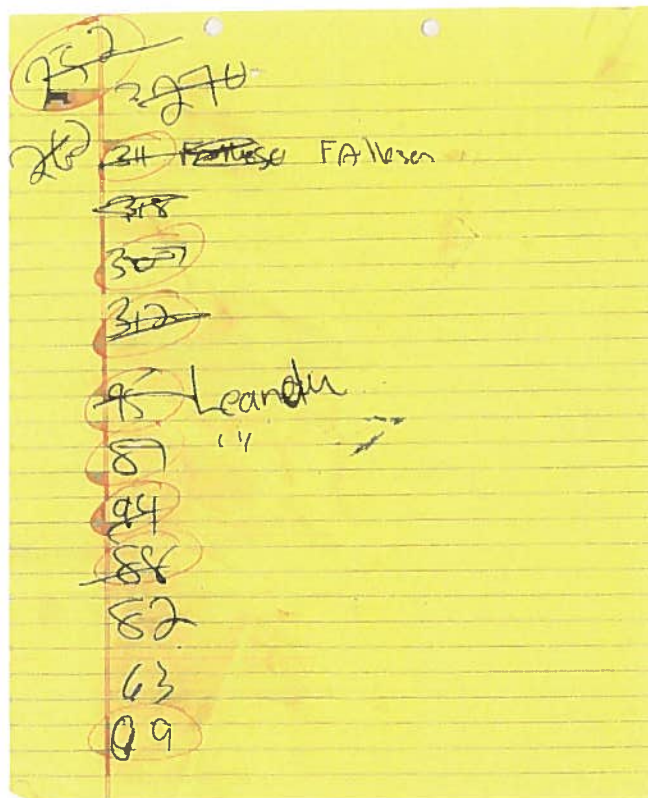
21. On March 1, 2021, investigators conducted a garbage pick-up at 241 Harding Road (the Subject Premises) at approximately 4:45 a.m. by taking possession of the city garbage tote and garbage bags that were located at the curb of the residence. A search of these totes and garbage bags yielded three pieces of paper (one with handwritten numbers, an invoice in Dom Pane's name and a prescription in James Pane's name). Everything was secured into property at the Rochester Police Department.

22. Between March 1, 2021 and March 2, 2021, investigators searched the yards of R.G.'s residence on Leander Road and 288 Falleson Road since much of the snow melted since the last search. Located at R.G.'s residence on Leander Road in the rear yard was a red plastic cap and red pieces of cardboard. In the front yard of 288 Falleson Road were partially damaged red plastic pieces, black colored wrapped (possible electric tape) cardboard pieces (with some red/white and blue color). Near the walkway of the front door of 288 Falleson

Road were three (3) pieces of cardboard with possible black electric tape affixed to them. These items were also sent to the ATF Lab for analysis.

23. On March 8, 2021, investigators conducted another garbage pick-up at 241 Harding Road (the Subject Premises) at approximately 4:40 a.m. by taking possession of the city garbage tote and garbage bags that were located at the curb of the residence. A search of these totes and bags yielded the following results:

- a. a piece of yellow-colored lined paper containing numerous Falleson and Leander addresses (handwritten)³, see below;



³ It is worth noting that nine out of ten of the addresses that received the letters outlined in paragraph 19, above, are on the list of addresses. The tenth address, 288 Falleson, is the with the intended target of the explosions as stated in the letter.

- b. single white plain envelope (stained with unknown liquid);
- c. single sheet of white paper;
- d. piece of yellow-colored lined paper containing a grocery list (handwritten);
- e. a sheet of “compassone” calendar paper containing a grocery list (handwritten);
- f. maroon plastic mold/holder of a “strike industries” handgun (lower receiver), commonly used to privately manufacture firearms also known as “ghost guns”;
- g. cardboard canister for a “six-shooter raw” (used to make marijuana cones to smoke).

All items were placed into property and everything but the plastic mold and cardboard canister of “six-shooter raw” was given to your Affiant to send to the ATF Lab for analysis.

24. On March 9, 2021, investigators checked the front yard of 288 Falleson Road again for any more evidence that may have been uncovered by the melted snow. Investigators located two pieces of damaged red plastic (which appears to match the same plastic recovered from the yard of 288 Falleson Road previously), a piece of cardboard (with possible black electrical tape on one side), a piece of cardboard with possibly a blue/white color and a small maroon piece of an unknown item. These items were collected and turned over to SA Hull to send to the ATF lab for analysis.

25. On March 12, 2021, investigators recovered another letter that was sent to 63 Leander Road in February, which the homeowner just turned over to investigators. This letter was the same like all the others already collected in this case, and the address was also listed on the yellow paper recovered from the garbage in front of 241 Harding Road. This letter was sent to the ATF Lab for analysis.

Lab Analysis

26. On March 24, 2021, your Affiant received a phone call from the ATF Lab Forensic Chemist for a preliminary review of the items that were analyzed by the lab for explosive debris/residue. Based on the evidence submitted, the swabs taken from the damage on R.G.'s residence on Leander Road revealed some per-chlorate mix, which is consistent with the analysis of the other evidence recovered from the items recovered in both the yards of R.G.'s residence on Leander Road and 288 Falleson Road. The residue on these items are Aluminum, Chlorate, and Per-Chlorate mix. Furthermore, there was indication of two different types of hot melt glue/clear adhesive being used on the red caps to seal the caps. The evidence recovered between March 8, 2021 and March 9, 2021 had the hot melt glue, clear adhesive and powder aluminum embedded in the adhesive. There were also levels of potassium per-chlorate and aluminum located. The Forensic Chemist explained to your Affiant that per-chlorate mixes along with aluminum and potassium are indicative of a mix of flash powder. Flash powders are commonly used in pyrotechnics. Flash powder can be highly sensitive to heat/flame, friction, and static electricity. Furthermore, the ATF Chemist told your Affiant that based on the analysis so far, there are no indications from the evidence recovered that these items were commercially made. Since no markings have been located and due to the type of materials used, the hot melt glue/ adhesive and red caps, it can be indicative that the items were IEDs and/or HMEs.

27. On March 30, 2021, your Affiant reached out to ATF Industry Operations Investigator to check if PANE had an explosives license registered with ATF. It was determined PANE does not hold an explosives license with ATF.

28. On April 5, 2021, Honorable Magistrate Judge Mark W. Pedersen of the Western District of New York signed a Search Warrant for both 241 Harding Road and the 2019 Chevrolet Silverado with New York Registration HKN4693.

29. On April 8, 2021, at approximately 7:20 a.m., the search warrants on both 241 Harding Road and the 2019 Chevrolet Silverado were executed. A traffic stop was conducted on the vehicle, at which time PANE was the driver and T.L. was the passenger in the vehicle. PANE was transported to the Public Safety Building to be interviewed. Inside the vehicle were cellphones belonging to PANE and T.L., a wallet, and a set of keys.

30. Your Affiant executed a search warrant on the subject premises at approximately 7:40 a.m., and within the subject premises was Dominic Pane, son of JAMES PANE. Dominic was called downstairs by law enforcement officers numerous times before coming down the stairs, at which time he was detained and transported to the Public Safety Building for an interview. During the search of the residence, the following items, among other items, were located:

- a. Yellow lined legal pad on a clipboard
- b. Suspected silencers
- c. Misc, paperwork belonging to both James Pane and Dominic Pane
- d. Open white multi purpose paper
- e. Glock firearm box
- f. HP printer/spectrum modem/ cobra security system
- g. Black electric tape roll

- h. Envelopes and stamps
- i. Red hobby fuse
- j. Glue sticks and glue gun
- k. Poly80 box
- l. Red plastic cap-destroyed
- m. Piece of red plastic
- n. Apple tablet

31. JAMES PANE was read his Miranda Warnings at approximately 10:35 a.m., was interviewed, and in sum and substance stated that he had issues with M.P. at 288 Falleson Road. According to PANE, M.P. was spreading false rumors about PANE through the community about alleged drug use and relations with T.L. before PANE had a relationship with her. PANE threatened M.P. a few times to stop spreading these rumors and made the devices and started setting off the explosions to get M.P. to stop. According to PANE, since the explosions did not stop M.P., PANE then sent the threatening letters throughout the neighborhood in hopes that the neighbors would confront M.P.

32. Furthermore, investigators showed PANE copies of the letters and handwritten lists retrieved out of the garbage run investigators conducted on March 8, 2021, and PANE admitted that the lists were in his handwriting, and he admitted to making the list of addresses for the letters after finding the addresses on Google Street View. PANE further stated he created the letters and mailed out the letters all on the same day, dropping

them off to a mail drop in the area of the Charlotte neighborhood in Rochester, New York.

33. PANE stated he had purchased some grand finale “cake” fireworks (cake fireworks are numerous mortar style fireworks within a single firework tube) from Pennsylvania. PANE stated he took apart the “cakes” and then took approximately two to three tubes (each tube approximately the diameter of a toilet paper roll) from the “cakes,” taped them together with electrical tape, and placed a fuse inside these new devices and ignited them. PANE stated the fuse he used was hobby fuse, which he still had some of in his basement. PANE stated he ignited and set off two or three of these devices in his backyard to ensure the effectiveness of the devices for his intended use against M.P. He then created some more devices the same way and threw them out of his truck window into M.P.’s yard. PANE stated he bought the hobby fuse online.

34. PANE is a 50-year-old male white with no felony convictions. On January 9, 2020, in Monroe County Court, PANE was arrested for Assault 3rd (recklessly causing physical injury). Those charges are still pending.

35. Based on the above information, I submit there is probable cause to believe that between on or about January 20, 2021 and March 12, 2021, in the City of Rochester, County of Monroe, Western Judicial District of New York, JAMES PANE violated Title 18, United States Code, Sections 844(e) (threat by mail of attempt to kill, injure, or intimidate or unlawfully damage or destroy property by means of explosive), and 876(c) (mailing threatening communications).



STACEY L. HULL
Special Agent
Bureau of Alcohol, Tobacco, Firearms,
and Explosives

Sworn to and subscribed to before me
this 8th day of APRIL 2021.



Honorable Mark W. Pedersen
United States Magistrate Judge